

Application Serial No: 10/507,064

Responsive to the Office Action mailed on: July 28, 2009

REMARKS

This Amendment is in response to the Office Action mailed on July 28, 2009. Claims 1, 3, 4-7, 9 and 10 are amended. The amendments to claim 1 are supported, for example, in the specification on page 17, lines 4-9. Claims 3 and 4-7 are amended to track the amendments to claim 1. Claims 9 and 10 are amended into independent form by including features of original claim 1. Claims 9 and 10 are further amended and are supported, for example, in the specification on page 31, lines 9-22. Claims 12, 13, 19 and 20 are cancelled without prejudice or disclaimer. No new matter is added. Claims 1-11 and 14-18 are pending with claims 14-18 being withdrawn.

Election of Species:

The March 16, 2009 Restriction Requirement separated the claims into four species, with each species directed to a different embodiment of a configuration in which a primary portion of an analyzer is loaded with a biosensor. Particularly, Figures 5 and 7-10 of the present application were designated as specie I; Figures 13A and 13B of the present application were designated as specie II; Figures 27A and 27B of the present application were designated as specie III; and Figures 16A and 16B of the present application were designated as specie IV. Each identified specie appears to be directed to a specific interface between the biosensor and the primary portion of the analyzer.

In the March 31, 2009 Response to Restriction Requirement, Applicants elected specie I (Figures 5 and 7-10) and identified claims 1-4, 7, 8, 14, 15 and 17 as readable on the elected specie.

On page 3 of the July 28, 2009 office action, the Examiner asserts that claims 14, 15 and 17 are drawn to specie III (Figures 27A and 27B). That is not correct. Claims 14, 15 and 17 are broad enough to encompass specie I.

Therefore, as indicated in Applicant's March 31, 2009 response, claims 14, 15 and 17 read on specie I (Figures 5 and 7-10). Accordingly, Applicants request that claims 14, 15 and 17 be reinstated and examined.

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§102 Rejections:

Claim 1 is rejected as being anticipated by Lamos (WO No. 01/33216). This rejection is traversed.

Claim 1 is directed to an information recognizing analyzer that recites, among other features, an electro-physical-quantity variable part comprising a variable capacitor.

Lamos does not disclose or suggest these features of claim 1. The rejection relies on page 34, lines 11-25 and page 35, line 20-page 36, line 2 of Lamos for disclosing the electro-physical-quantity variable part of claim 1. Page 34, lines 11-26 of Lamos merely discloses that the insertion monitor 1450 on the sensor strip 1420 establishes an electrical connection between two contact terminals 1451 and 1452 to determine whether the sensor strip has been properly inserted into a connector. Page 35, line 20-page 36, line 2 of Lamos merely discloses that the insertion monitor 1450 includes two or more contact pads for connection to a meter in order to encode information on a test strip. Nowhere does Lamos disclose or suggest an electro-physical-quantity variable part comprising a variable capacitor, as recited in claim 1.

For at least these reasons claim 1 is not disclosed by Lamos and should be allowed.

Claims 1-7 and 9-11 are rejected as being anticipated by Lewis (US Patent No. 6,773,671). This rejection is traversed.

Claim 1 is directed to an information recognizing analyzer that recites, among other features, an electro-physical-quantity variable part comprising a variable capacitor.

Lewis does not disclose or suggest these features of claim 1. The rejection relies on column 9, lines 32-49 and column 9, lines 54-58 of Lewis for disclosing the electro-physical-quantity variable part of claim 1. However, at most Lewis discloses a test port for detecting resistance variation across the test port's two pins (see column 9, lines 32-49; column 9, lines 54-58; and column 10, lines 17-31 of Lewis). Nowhere does Lewis disclose or suggest an electro-physical-quantity variable part comprising a variable capacitor, as recited in claim 1.

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For at least these reasons claim 1 is not disclosed by Lewis and should be allowed. Claims 2-7 depend from claim 1 and should be allowed for at least the same reasons.

Claim 9 is directed to an information recognizing analyzer that recites, among other features, a pressure sensitive electric conductor having a variable volume to provide a resistance value variable upon attachment of the analyzing article.

Lewis does not disclose or teach or suggest these features. The rejection relies on column 10, lines 17-27 of Lewis for disclosing the features of previously presented claim 9. However, Lewis merely discloses that the resistance across the pins 440 or 540 is measured to determine the type of the test strip being used (see column 10, lines 17-31 of Lewis). Nowhere does Lewis disclose or suggest that the volume of the pins is variable. Accordingly, Lewis does not disclose or suggest a pressure sensitive electric conductor having a variable volume to provide a resistance value variable upon attachment of the analyzing article, as recited in claim 9.

For at least these reasons claim 9 is not disclosed by Lewis and should be allowed. Claim 11 depends from claim 9 and should be allowed for at least the same reasons.

Claim 10 is directed to an information recognizing analyzer that recites, among other features, a plurality of pressure sensitive electric conductors each having a variable volume to provide a resistance value variable upon attachment of the analyzing article.

Lewis does not disclose or teach or suggest these features. The rejection relies on column 10, lines 17-27 of Lewis for disclosing the features of previously presented claim 10. However, Lewis merely discloses that the resistance across the pins 440 or 540 is measured to determine the type of the test strip being used (see column 10, lines 17-31 of Lewis). Nowhere does Lewis disclose or suggest that the volume of the pins is variable. Accordingly, Lewis does not disclose or suggest a plurality of pressure sensitive electric conductors each having a variable volume to provide a resistance value variable upon attachment of the analyzing article, as recited in claim 10.

For at least these reasons claim 10 is not disclosed by Lewis and should be allowed.

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§103 Rejections:

Claim 8 is rejected as being unpatentable over Lewis in view of Kermani (US Publication No. 2003/0098233). This rejection is traversed. Claim 8 depends from claim 1 and should be allowed for at least the same reasons discussed above. Applicants do not concede the correctness of this rejection.

Conclusion:

Applicants respectfully assert that pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

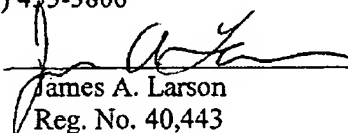


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Respectfully submitted,

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